

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

MDL No. 2:18-mn-2873-RMG

This document relates to:
2:22-cv-00373-RMG

MOTION TO REINSTATE

Plaintiff David Tibbetts respectfully moves the Court to reinstate his lawsuit pursuant to Case Management Order No. 5 (“CMO”). In support, the plaintiff states as follows:

1. Plaintiff David Tibbetts filed a lawsuit on November 20, 2021, alleging exposure to Aqueous Film Forming Foam (“AFFF”) and subsequent personal injuries.¹
2. Tibbetts’ PFS was due on or about May 17, 2022, and a Notice of Non-Compliance was issued on June 7, 2022.
3. On July 14, 2022 Defendants’ Coordinating Committee (“DCC”) filed a Motion to Dismiss pursuant to CMO 5, paragraphs 22 and 23 for failure to serve a Plaintiff Fact Sheet.²
4. On July 19, 2022, the Court granted the DCC’s motion to dismiss.³
5. On July 22, 2022, Plaintiff served a complete and executed Plaintiff Fact Sheet upon the DCC pursuant to an extension agreed upon between undersigned counsel and the DCC.⁴
6. Under Paragraph 16 (c) of CMO 5, Plaintiff respectfully requests the Court reinstate his lawsuit as he has now complied with the requirements of CMO 5, paragraphs 22 and 23.

¹ Doc. 1., Ex. A.

² Doc. 34.

³ Doc. 35.

⁴ See Exhibit 1, Email Jul. 22, 2022.

7. Plaintiff submits good cause exists to reinstate his lawsuit as the delay in producing the Plaintiff Fact Sheet was not intentional nor done in bad faith.
8. This Motion to Reinstate is filed within fourteen (14) days of the Order dismissing the case as required in CMO 5, Paragraph 16(c).
9. The DCC informed undersigned counsel they do not oppose the motion to reinstate.

Date: July 27, 2022.⁵

Respectfully submitted

/s/ Kristin M. Lausten
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Counsel for Plaintiff, David G. Tibbetts

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2022, the foregoing document was filed using the Court's CM/ECF system, which will automatically send notice of the same to all registered counsel of record.

/s/ Kristin M. Lausten
Kristin M. Lausten

⁵ See Exhibit 2, Email Jul. 28, 2022.